

**REMARKS**

Claims 1, 3-6, 8-11, 13-15 and 17-18 are pending in the application. Claims 1, 3-6 and 8-10 are rejected over prior art. Reconsideration in view of the following remarks is kindly requested.

**Allowable Subject Matter**

Applicants acknowledge and thank the Examiner for indicating that claims 11, 13-15 and 17 and 18 are allowed.

**CLAIM REJECTIONS – 35 U.S.C. §103**

Claims 1, 3-6 and 8-10 are rejected under 35 USC 103(a) as being unpatentable over Will (USP 5,588,009) in view of Shalom (US Patent Application 20020131425) and further in view of Lei et al. (USP 6,401,127).

The Examiner alleges that the combination of Will and Shalom discloses the limitations of claims 1 and 6, except that the combination fails to disclose “specifically teaching inserting an acknowledge sequence number in at least one of the transmitted data packets, the acknowledge sequence number being the transmission sequence of one of the aborted data packet.” However, the Examiner alleges Lei et al. disclose requesting retransmission of packets. Therefore, it would have been obvious for a person of ordinary skill to combine Will, Shalom and Lei et al.

Without acquiescing to the Examiner’s position vis-à-vis Will and Shalom, Applicants respectfully disagree with the Examiner’s understanding of Lei et al.

Lei et al. disclose that a LLC TYPE 2 (destination side) “reads sequence of numbers **received** packets, and can request retransmission of packets which are missing.” (Emphasis added). Column 2, lines 3-4. However, claim 1, recites in part “inserting an acknowledge sequence number in at least one of the transmitted data packets, the acknowledge sequence

number being the transmission sequence number of one of the aborted data packets.” (Emphasis added.) No where do Lei et al. disclose that an acknowledge sequence number is inserted in a source station, the transmission sequence number being one of the aborted data packets. However, the Examiner alleges that Lei et al. suggest inserting sequence number of the aborted data packets, because Lei et al. teach requesting retransmission using a REJ packet.

Applicants submit that the Examiner is making an assumption and/or a conclusion based on teachings and suggestions **NOT** found in any of Lei et al., Will or Shalom. For example, Lei et al. discloses that from a destination side, it may request retransmission of missing packets using a reject packet. In other words, the missing packet is simply retransmitted by the source station side based on the reject packet. In fact, it appears the Examiner understands this procedure as indicated in page 5 of the Office Action.

But without any evidence or explanation, the Examiner concludes that “it would have been obvious for one of ordinary skill in the art at the time when the invention was made to incorporate inserting an acknowledge number in at least one of the transmitted data packets, the acknowledge sequence number being the transmission sequence number of one of the aborted data packet, such as the one taught by Lei into the assembly taught by Will and Shalom in order to compensate for lost data during transmission from a source station to a destination station.” Why would the source station side insert a transmission sequence number of one of the aborted data packets in a data packet (again, which is not taught or suggested in any of the Examiner’s reference), when the source station only has to retransmit the requested data packet?

In other words, even assuming *arguendo* that Shalom teaches aborting data packet transmission (which Applicants submit it does not), the Examiner fails to show how the teaching in Lei et al. would motivate a person of ordinary skill to insert a transmission

sequence number of one of the aborted data packets into a data packet. Also, based on the Examiner's cited references and remarks, the method sequence in the applied art is at best (1) abort transmission (source station side), (2) request retransmission (destination side), and (3) insert transmission sequence number of one of the aborted data packet (source stations side). This is not what is being recited in claim 1. In claim 1, the method sequence is (1) abort transmission (source station side), (2) insert acknowledge sequence number in a transmitted data packet (source station side). Claim 1 recites that an "acknowledge sequence number" is inserted in a transmitted data packet, which means that insertion of the "acknowledge sequence number" occurs prior to the data packet being transmitted to the destination side.

For at least the reasons given above, Applicants submit that the Examiner has failed to show a *prima facie* case of obvious with regard to claims 1 and 6. Accordingly, claims 1 and 6 are patentable over the Examiner's cited references. Further, claims 3 and 8 are also patentable for respectively depending on allowable claims 1 and 6.

The Examiner further alleges that claims 4 and 9, and claims 5 and 10 "only differ for different statutory class." In other words, claims 4 and 9, and 5 and 10 are rejected for the same reasons given claims 1 and 6.

For at least the reasons given above for claims 1 and 6, claims 4, 5, 9, and 10 are also patentable. Reconsideration and allowance of each of the rejected clams are requested in view of the remarks made above.

**CONCLUSION**

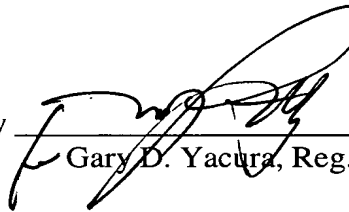
Should there be any outstanding matters that need to be resolved in the present application; the Examiner is respectfully requested to contact the undersigned at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By

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